

United States District Court

For the Northern District of California

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7 John Frederic Garmon,

8 Plaintiff,

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10 No. C 04-3772 WDB

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12 **ORDER FOR CLARIFICATION BY
DEFENDANTS RE CLAIM FOR
FAILURE TO MITIGATE**

13 v.
14 Peralta Community College District,
et al.,

15 Defendant(s).
16 _____ /

17 On April 20, 2006, defendants notified the Court that they intend to claim that
plaintiff failed to use reasonable efforts to mitigate his damages.

18 The law recognizes a duty to mitigate with respect to economic losses. We are
19 not sure whether the law also recognizes a duty to mitigate with respect to non-
20 economic harm such as emotional distress.

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By Tuesday, April 25, 2006, at noon, defendants must file with the Court and deliver to chambers via facsimile a statement responding to the following:

1. Do defendants intend to argue that plaintiff failed to mitigate damages for emotional distress?
 2. If defendants contend that the law recognizes a duty to mitigate with respect to emotional distress, defendants MUST cite legal authority that they assert supports their position.

By Thursday, April 27, 2006, at noon, plaintiff must file with the Court and deliver to chambers any submission it would like the Court to consider on this matter.

IT IS SO ORDERED.

Dated: April 21, 2006

/s/ Wayne D. Brazil
WAYNE D. BRAZIL
United States Magistrate Judge

Copies to:
Parties, WDB
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